

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**In re Wal-Mart Wage and Hour  
Employment Practices Litigation**

MDL-1735  
2:06-cv-00225-PMP-PAL  
(BASE FILE)

**THIS DOCUMENT RELATES TO:**

***King, et al. v. Wal-Mart Stores, Inc., et al.*  
2:07-CV-01486-WY**

**PLAINTIFFS' MOTION FOR AN ORDER GRANTING  
PRELIMINARY APPROVAL OF PROPOSED  
CLASS ACTION SETTLEMENT**

Plaintiffs have reached a proposed settlement with Defendants in the amount of \$5.0 million (the "King Settlement").<sup>1</sup> Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs respectfully submit this motion for an Order granting preliminary approval of the King Settlement on the terms and conditions reflected in the settlement agreement, dated May 26, 2009 (the "King Settlement Agreement") (attached hereto as Ex. 1).

Accordingly, Plaintiffs respectfully request that the Court enter an Order.

1. Granting preliminary approval of the King Settlement for the purpose of permitting Plaintiffs to issue notice of the proposed King Settlement to members of the Class;
2. Approving the forms of notice attached to the proposed Preliminary Approval Order as Exhibits A and B, and approving the methods for disseminating such notice;
3. Conditionally certifying the Class, as defined in the King Settlement Agreement, under Fed. R. Civ. P. 23(a) and (b)(1) for purposes of the King Settlement, and the final approval

<sup>1</sup> Pursuant to a Stipulation being filed today, and subject to approval of the Court, the King Settlement will be set forth in a separate Settlement Agreement and will be separately considered by the Court, except that approval of the Settlements in the other MDL actions may be a condition to the proposed Settlement in King becoming final.

1     thereof; and

2             4.     Scheduling a hearing to consider the fairness of the King Settlement pursuant to  
3     Fed. R. Civ. P. 23(e), and to consider the application for attorney's fees and expenses by ERISA  
4     Class Counsel pursuant to the common fund doctrine and the application for an incentive award  
5     for Plaintiffs.

6             This 26th day of May, 2009.

7                     Respectfully Submitted,

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